

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 8439

IN THE MATTER OF:

Served November 29, 2004

Application of NEW ERA MEDICAL)
TRANSPORT SERVICES, INC., to)
Acquire Certificate No. 712 from)
NEW ERA MEDICAL TRANSPORT)
SERVICES, a Partnership)

Case No. AP-2004-152

By application accepted for filing September 9, 2004, applicant, New Era Medical Transport Services, Inc., a Maryland corporation, seeks Commission approval to acquire Certificate No. 712 from New Era Medical Transport Services, a Maryland general partnership. Applicant's president, Ike Ezeani, is also a general partner in the partnership.

Last year, the Commission approved the transfer of Certificate No. 712 from New Era the partnership to New Era the corporation, subject to the condition that the corporation file certain fitness documents and other documents required by Commission regulations.¹ The corporation failed to timely file all of the required documents and thereby voided the Commission's approval.²

Under Article XI, Section 11(a), of the Compact, a person may not transfer a certificate of authority unless the Commission approves the transfer as consistent with the public interest. The public interest analysis focuses on the acquiring party's fitness.³

Applicant proposes commencing operations with three vans. Applicant's proposed tariff contains rates for Medicaid transportation and similar non-Medicaid transportation.

Applicant verifies that: (1) applicant owns or leases, or has the means to acquire through ownership or lease, one or more motor

¹ See In re New Era Med. Transp. Servs., Inc., & New Era Med. Transp. Servs., No. AP-03-101, Order No. 7506 (Nov. 3, 2003) (conditionally approving transfer of Certificate No. 712).

² See id. (approval of transfer void upon applicant's failure to timely satisfy conditions of issuance); Commission Regulation No. 66 (failure to comply with conditions of grant within 180 days voids approval).

³ In re Quality Med. Supplies LLC, t/a F & J Healthcare Servs., & Tingem Health Care Servs. Inc., No. AP-04-25, Order No. 8033 (May 27, 2004).

vehicles meeting the Commission's safety requirements and suitable for the transportation proposed in this application; (2) applicant owns, or has the means to acquire, a motor vehicle liability insurance policy that provides the minimum amount of coverage required by Commission regulations; and (3) applicant has access to, is familiar with and will comply with the Compact, the Commission's rules, regulations and orders, and Federal Motor Carrier Safety Regulations as they pertain to transportation of passengers for hire.

An investigation of both parties' advertising and operations pending at the time this application was filed has since been completed with all issues resolved in favor of applicant and Mr. Ezeani.⁴

Based on the evidence in this record, the Commission finds applicant to be fit, willing, and able to perform the proposed transportation properly and to conform with applicable regulatory requirements and, therefore, that the transfer of Certificate No. 712 to applicant is consistent with the public interest.

THEREFORE, IT IS ORDERED:

1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 712 shall be reissued to New Era Medical Transport Services, Inc., 14225 Cribbage Terrace, Silver Spring, MD 20905.

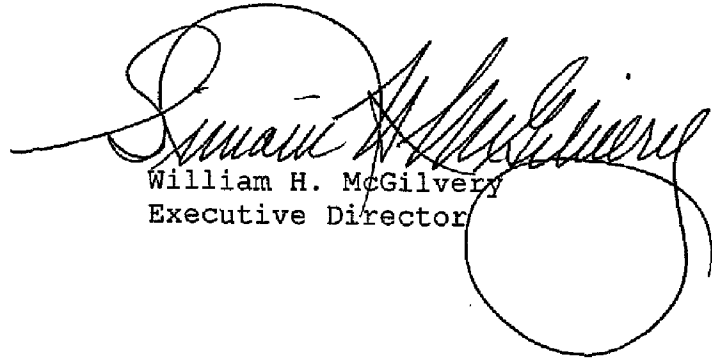
2. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until Certificate of Authority No. 712 has been reissued in accordance with the preceding paragraph.

3. That applicant is hereby directed to file the following documents within the 180-day maximum permitted in Commission Regulation No. 66: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 4203; (b) an original and four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) a vehicle list stating the year, make, model, serial number, fleet number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) a copy of the for-hire vehicle registration card, and a lease as required by Commission Regulation No. 62 if applicant is not the registered owner, for each vehicle to be used in revenue operations; (e) proof of current safety inspection of said vehicle(s) by or on behalf of the United States Department of Transportation, the State of Maryland, the District of Columbia, or the Commonwealth of Virginia; and (f) a notarized affidavit of identification of vehicles pursuant to Commission Regulation No. 61.

⁴ In re New Era Med. Transp. Servs. & New Era Med. Transp. Servs., Inc., No. MP-04-149, Order No. 8360 (Oct. 27, 2004).

4. That the approval of transfer herein shall be void and the application shall stand denied upon applicant's failure to timely satisfy the conditions of reissuance prescribed herein.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES, MILLER, AND GUNS:



William H. McGilver
Executive Director